

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

GEORGIANA H. DOERSCHUCK

Plaintiff,

vs.

CIV NO. 02 - 0978 M/RLP

ST. MARY'S HOSPITAL, et al,

Defendants.

**MEMORANDUM OPINION AND ORDER**

**THIS MATTER** is before the Court *sua sponte* to review Plaintiff's civil rights Amended Complaint. Plaintiff is appearing pro se and proceeding in forma pauperis. Plaintiff has brought her lawsuit against fifty-seven Defendants alleging primarily that Defendants violated her civil rights by implanting her with a CIA spying device under the guise of an appendectomy in 1989. The voluminous and rambling pleading includes allegations that she was subjected to a ritualistic operation attended by, among others, former President Bush, General Alex Haig and General Colin Powell, that she has been tracked like an animal by the CIA, that the CIA had attempted to abduct her in Canada, and that various agencies and persons are persecuting and terrorizing her.

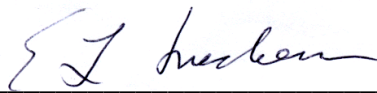
Plaintiff brought this action under 28 U.S.C. §1915 for proceedings in forma pauperis. I have the discretion to dismiss an in forma pauperis complaint under §1915 (e)(2) "at any time if the court determines ... the action ... is frivolous or malicious; [or] fails to state a claim upon

which relief may be granted”. The Supreme Court has held that dismissal is proper under this statute when the complaint contains allegations “describing fantastic or delusional scenarios.” *Neitzke v. Williams*, 490 U.S. 319, 327 (1989).

I may also dismiss a complaint *sua sponte* under Fed. R. Civ. P. 12(b)(6) for failure to state a claim if “it is ‘patently obvious’ that the plaintiff could not prevail on the facts alleged, and allowing him an opportunity to amend his complaint would be futile.” *Hall v. Bellmon*, 935 F.2d 1106, 1109 (10th Cir. 1991) (quoting *McKinney v. Oklahoma Dep’t of Human Services*, 925 F.2d 363, 365 (10th Cir. 1991)). In reviewing Plaintiff’s pro se Amended Complaint, I apply the same legal standards applicable to pleadings drafted by counsel, but I am also mindful that the Amended Complaint must be liberally construed. *Northington v. Jackson*, 973 F.2d 1518, 1520-21 (10th Cir. 1992).

Upon reviewing the Amended Complaint, I find the facts alleged are delusional, fanciful and fantastic and therefore frivolous. Furthermore, the Amended Complaint fails to state a claim upon which relief can be granted. Therefore, I am dismissing the Amended Complaint *sua sponte* pursuant to 28 U.S.C. §1915 (e)(2)(B) and Fed. R. Civ. P. 12(b)(6).

IT IS HEREBY ORDERED that Plaintiff’s Amended Complaint be DISMISSED WITH PREJUDICE. A form of judgment will be entered in accordance with this opinion.

  
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SENIOR UNITED STATES JUDGE